

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TADEUSZ WYRZYKOWSKI,

No. C 11-3239 SI

Plaintiff,

**ORDER DENYING PLAINTIFF'S
REQUEST FOR EXTENSION OF TIME
TO FILE A THIRD AMENDED
COMPLAINT**

v.

COUNTY OF MARIN, *et al.*,

Defendants.

Plaintiff has filed a request for an 180 day extension of time to file a third amended complaint. In an order filed November 28, 2011, the Court granted defendants' motion to dismiss the second amended complaint and set a deadline of December 22, 2011 for the filing of the third amended complaint. Plaintiff states that he needs an extension of time because this lawsuit is causing him stress and negatively affecting his health. Defendants oppose plaintiff's request for an extension.¹


In light of the facts that this case was filed in June 2011, and plaintiff has already amended the complaint twice, the Court declines to grant the requested 180 day extension. If plaintiff does not file

¹ Defendants mistakenly state that plaintiff filed a third amended complaint on November 30, 2011, at Docket No. 24. In fact, that document was the second amended complaint, which the Court received on October 12, 2011, but due to a clerical error, was not actually filed until November 30, 2011.

1 an amended complaint by December 22, 2011, the Court will dismiss this lawsuit without prejudice.²

2 Accordingly, plaintiff's request for an extension of time is DENIED.

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6 Dated: December 19, 2011



SUSAN ILLSTON
United States District Judge

United States District Court
For the Northern District of California

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28 ² A dismissal without prejudice does not preclude re-filing a claim at a later point, provided that the statute of limitations has not run out. Plaintiff should be mindful that the statute of limitations on plaintiff's claims will continue to run.